

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF RHODE ISLAND**

In Re: DAVID W. WAGNER

18-10071

STACY B. FERRARA, TRUSTEE

VS.

DAVID W. WAGNER

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ADV. PROC. # 19-AP-01010

MOTION TO QUASH

NOW comes PAWTUCKET CREDIT UNION (“PCU”), by and through counsel, and hereby objects to and moves to quash the subpoena served upon it by Attorney for The Plaintiff/Trustee Peter J. Furness in the above entitled matter. (*A copy of said subpoena is attached hereto as Exhibit 1*). Said subpoena demands private financial information of eleven (11) entities, including the Debtor, four (4) other individuals and six (6) business entities, for a period from January 1, 2016 to the present.

In support of its Motion to Quash, PCU avers that the subpoena calls for disclosure of privileged financial documents protected under the Gramm-Leach-Bliley Act, 15 USC §6801, et seq.

The Gramm-Leach-Bliley Act seeks to protect consumer financial privacy. Its provisions limit when a "financial institution" may disclose a consumer's "nonpublic personal information" to nonaffiliated third parties. Financial institutions must notify their customers about their information-sharing practices and tell consumers of their right to "opt-out" if they don't want their information shared with certain nonaffiliated third parties. In addition, any entity that receives consumer financial information from a financial institution may be restricted in its reuse and redisclosure of that information.

Violations of the Act include improper and unauthorized disclosure of private financial information and carries severe penalties: A financial institution can be fined up to \$100,000 for each violation; officers and directors can be fined up to \$10,000 for each violation as well as face imprisonment for up to 5 years.

In light of the above, PCU prays for an order quashing Plaintiffs' Subpoena.

PAWTUCKET CREDIT UNION,
By its Counsel,

/s/ Joel J. Votolato

Joel J. Votolato (# 7059)
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CERTIFICATE OF SERVICE

I, Joel J. Votolato, state that on **June 5, 2019**, I electronically filed this document with the United States Bankruptcy Court for the District of Rhode Island using the CM/ECF System.

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| <i>Trustee / Plaintiff</i> Stacy B. Ferrara Nolan, Brunero, Cronin & Ferrara, Ltd. 1070 Main Street Coventry, RI 02816 (401) 828-5800 | <i>Counsel for Trustee</i> Peter J. Furness Richardson, Harrington & Furness 182 Waterman Street Providence, RI 02906 (401) 273-9600 Fax : (401) 273-9605 Email: peter@rhf-lawri.com |
| <i>Counsel for Debtor</i> Russell D. Raskin Raskin & Berman 116 East Manning Street Providence, RI 02906 (401) 421-1363 Email: mail@raskinberman.com | |

Additionally, on the same date as set forth above, service of a true and accurate copy of said Motion was served by first class mail, postage prepaid to the following persons on the entities below not designated as receiving notice by the court's CM/ECF system:

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/s/ Joel J. Votolato

Joel J. Votolato